



1103326-0502 (CON)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Cotton et al.  
Serial No. : 10/672,936  
Filed : September 25, 2003  
For : NOVEL FORMS OF S-OMEPRAZOLE  
Examiner : Aulakh, Charanjit  
Group Art Unit : 1625

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8  
I hereby certify that this paper is being deposited with the  
United States Postal Service as first class mail on the date  
indicated below in an envelope addressed to:  
Commissioner for Patents, P. O. Box 1450, Alexandria, VA  
22313-1450.

John M. Genova 32,224  
Attorney Name PTO Reg. No.

*John M. Genova* *January 2006*  
Signature Date of Signature

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. §1.97(c))**

Sir:

Applicants submit this communication in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. Favorable consideration of the documents cited on the attached Form PTO/SB/08A is respectfully requested.

Applicants wish to make of record two pre-grant oppositions which were recently filed in India against Indian Patent Application Number 1344/DEL/98 (the "Indian patent application"). The Indian patent application and the referenced U.S. application, including the grandparent

US 6,369,085 (the "085 patent") and parent US 6,677,455 (the "455 patent"), belong to the same patent family and are owned by the same corporate assignee.

The attached Form PTO/SB/08A identifies the two opposition documents. The opposed Indian patent application is also identified. But for the claims presently pending in the referenced U.S. application, the Indian and referenced U.S. applications, as originally filed, are substantially identical.

The remaining documents identified on the Form PTO/SB/08A are documents cited in one or both oppositions which are not yet of record in the referenced U.S. application. All other documents cited in the oppositions are already of record: EP 0 005 129; EP 0 124 495; WO 94/27988; WO 96/01623; and WO 96/02535. These documents were considered by the Examiner on or about July 8, 2004 as evidenced by the Examiner's initials appearing before the citation of these documents in the Information Disclosure Statement filed by Applicants on September 25, 2003.

For the sake of completeness, Applicants take this opportunity to also make of record and identify the parent '455 patent and US 6,747,155 (the "155 patent") on the attached Form PTO/SB/08A even though the '455 and '155 patents are not cited in either of the Indian oppositions. The '155 patent is a continuation-in-part of the '085 patent.

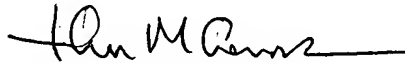
Except for the U.S. patent documents, a copy of each of the documents identified on Form PTO/SB/08A is enclosed.

**TIME OF TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

This Information Disclosure Statement is being filed after the period specified in 37 C.F.R. §1.97(b) but before the mailing date of either: (1) a final action under §1.113 or (2) a notice of allowance under §1.311, whichever occurs first. Authorization is hereby given to charge Deposit Account No. 23-1703 in the amount of One Hundred and Eighty Dollars (\$180.00) to cover the fee as required by 37 C.F.R. §1.17(p) and any other fee that may be required in connection with this communication.

Dated: 9 January 2006

Respectfully submitted,

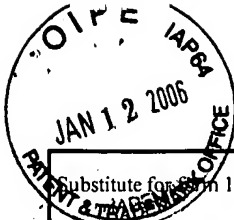


John M. Genova

Reg. No. 32,224

Customer No. 007470

Attorney Direct Dial: (212) 819-8832



Substitute for Form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	1
-------	---	---

**Complete if Known**

Application Number	10/672,936
Filing Date	September 25, 2003
First Named Inventor	Hanna Cotton
Art Unit	1625
Examiner Name	Charanjit Aulakh
Attorney Docket Number	1103329-0502 CON

**U.S. PATENT DOCUMENTS**

Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages/Figures Appear
		US 6,677,455	01-13-2004	Kronstrom et al.	
		US 6,747,155	06-08-2004	Kronstrom et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		IN 1344/DEL/98				
		DE 4 035 455				

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials <sup>1</sup>	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
		Opposition filed by Ranbaxy Laboratories Limited against Indian Patent Application Number 1344/DEL/98	
		Opposition filed by Torrent Pharmaceuticals Limited against Indian Patent Application Number 1344/DEL/98	
		X-ray powder diffraction pattern of Mg-salt of S-omeprazole trihydrate depicted by Torrent obtained by method of WO 94/27988	
		NDA 21-153/S-020 for Nexium <sup>®</sup> (esomeprazole magnesium) Delayed Release Capsule	
		NDA 21-153/21-154 entitled "Medical Review(s)"	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>7</sup>Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORM TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.